

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT E. WILLIAMS, JR.,

Defendant.

4:08-CR-3180

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's pro se motion for copies (filing [64](#)). The defendant asserts that the Bureau of Prisons has erroneously computed his federal sentence because it has mistakenly found that the defendant is subject to the State of Nebraska's primary jurisdiction. See *Elwell v. Fisher*, 716 F.3d 477, 481–82 (8th Cir. 2013). At this time, he is not challenging that determination in this Court.¹ Instead, he is asking for copies of documents from his federal case that will help him in determining which sovereign was the first to arrest him and thus exercises primary jurisdiction over his sentence. Filing [64](#) at 1.

Specifically, the defendant has requested documents "that highlight (1) [his] arrest for federal charges on December 18, 2008, and (2) what [s]overeign requested and obtained a writ of habeas corpus ad prosequendum in order to 'borrow' [him] from the [s]overeign who had primary jurisdiction over [him]." Filing [64](#) at 1. The Court finds that his request is reasonable and will forward him all documents that it finds pertinent to his request, as well as a print-out of the docket sheet in his case. The Court expresses no opinion on whether these documents support the defendant's claim. Accordingly,


¹ Such a challenge would be properly brought as a petition for habeas relief under 28 U.S.C. § 2241, which is the appropriate motion for challenging the manner in which a sentence is carried out or prison authorities' determination of its duration. *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000). And this Court is not the proper place to file such a motion. Petitions under § 2241 must be filed in the United States District Court for the district in which the defendant is confined, the District of Columbia, or in any district in which the Bureau of Prisons maintains a regional office (there is none in Nebraska). *United States v. Chappel*, 208 F.3d 1069, 1069–70 (8th Cir. 2000). Additionally, a § 2241 petition may only be brought after he has exhausted any administrative remedies he may have with the Bureau of Prisons. *Id.*

IT IS ORDERED:

1. The Clerk shall mail a copy of this Memorandum and Order, along with the following documents, to the defendant at his address of record: filing 1 (indictment); filing 4 (arrest warrant); filing 7 (motion for writ of habeas corpus ad prosequendum); filing 8 (order on motion for writ); filing 9 (writ); filing 10 (arrest warrant returned executed); filing 17 (writ returned unexecuted).
2. The Court has also attached the following to this Memorandum and Order:
 - a. A print-out of the docket sheet for this case, as of September 25, 2014. Certain filings and internal entries have been redacted.
 - b. A copy of two potentially relevant pages from the defendant's presentence investigation report (filing 43). The second page has been redacted to show only the pertinent information.

Dated this 25th day of September, 2014.

BY THE COURT:



John M. Gerrard
United States District Judge

CLOSED, TRIAL-LINCOLN

U.S. District Court
District of Nebraska (4 Lincoln)
ABRIDGED CRIMINAL DOCKET FOR CASE #: 4:08-cr-03180-JMG-CRZ-1
d
Internal Use Only

Case title: USA v. Williams

Date Filed: 12/17/2008
Date Terminated: 07/15/2009

Assigned to: Judge John M. Gerrard
Referred to: Magistrate Judge Cheryl
R. Zwart

Appeals court case number:
'09-2776' 'USCA 8th Circuit'

Defendant (1)

Robert E. Williams, Jr.
TERMINATED: 07/15/2009

represented by **Robert E. Williams, Jr.**
22500-047, Unit B
FCI-SANDSTONE
Inmate Mail/Parcels
P.O. Box 1000
Kettle River Road
Sandstone, MN 55072
PRO SE

Robert B. Creager
ANDERSON, CREAGER LAW FIRM
1630 K Street
Lincoln, NE 68508
(402) 477-8800
Fax: (402) 477-8868
Email: rcreager@acwlaw.org
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:846 CONSPIRACY TO
DISTRIBUTE –
METHAMPHETAMINE
(1)

21:846 DISTRIBUTION –
METHAMPHETAMINE
(2)

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841(a)(1) and 841(b)(1)(C)
POSSESSION WITH INTENT –
METHAMPHETAMINE
(3)

Disposition

Defendant pleaded guilty to Counts I and IV of the Indictment and is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of one hundred twenty-one (121) months; five (5) years of Supervised Release; \$100 Special Assessment

Counts II and III of the Indictment are dismissed on the motion of the United States as to this defendant only

Disposition

Counts II and III of the Indictment are dismissed on the motion of the United States as to this defendant only

21:853 FORFEITURE
(4)

Defendant pleaded guilty to Counts I and IV of the Indictment and is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of one hundred twenty-one (121) months; five (5) years of Supervised Release; \$100 Special Assessment

Highest Offense Level
(Terminated)

Felony

Complaints

None


Disposition

Plaintiff

USA

represented by **Matthew R. Molsen**
U.S. ATTORNEY'S OFFICE – OMAHA
1620 Dodge Street
Suite 1400
Omaha, NE 68102–1506
(402) 661–3700
Fax: (402) 345–5724
Email: matthew.molsen@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/17/2008	<u>1</u>	INDICTMENT with foreperson's signature redacted pursuant to the E–Government Act. PART 1 OF 2 s to defendant Robert E. Williams, Jr. (GJG) (Entered: 12/18/2008)
12/17/2008	<u>2</u>	PART 2 OF 2 – FOREPERSON'S SIGNATURE PAGE regarding Indictment <u>1</u> as to defendant Robert E. Williams, Jr. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E–GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (GJG,) (Entered: 12/18/2008)
12/17/2008	<u>3</u>	CRIMINAL COVER SHEET as to defendant Robert E. Williams, Jr. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E–GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (GJG,) (Entered: 12/18/2008)
12/17/2008		Remark – Public: Case filed under seal on 12/17/2008 and unsealed on 12/22/2008 pursuant to memorandum as to defendant Robert E. Williams, Jr. (GJG) (Entered: 12/22/2008)
12/18/2008	<u>4</u>	*SEALED* ARREST WARRANT ISSUED (COPY) in case as to defendant Robert E. Williams, Jr. (GJG) (Entered: 12/18/2008)
12/18/2008		(Court only) *** Arrest on 12/18/2008 as to defendant Robert E. Williams, Jr. (GJG) (Entered: 12/23/2008)
12/22/2008	<u>5</u>	TEXT ORDER SETTING HEARING as to defendant Robert E. Williams, Jr. Initial Appearance, Arraignment and Detention Hearing set for 12/23/2008 beginning at 03:00 PM in Courtroom 2 – Lincoln before Magistrate Judge David L. Piester as ordered by Deputy Clerk. (SED) (Entered: 12/22/2008)
12/22/2008	<u>6</u>	NOTICE (MEMORANDUM) TO UNSEAL CASE filed by Attorney Matthew R. Molsen as to defendant Robert E. Williams, Jr. (GJG) (Entered: 12/22/2008)
12/22/2008	<u>7</u>	MOTION for Writ of Habeas Corpus Ad Prosequendum by Attorney Matthew R. Molsen as to defendant(s) Robert E. Williams, Jr. (Molsen, Matthew) (Entered: 12/22/2008)

12/22/2008	<u>8</u>	ORDER granting <u>7</u> Motion for Writ of Habeas Corpus ad prosequendum as to Robert E. Williams Jr. Ordered by Magistrate Judge David L. Piester. (1 Certified copy to USM)(GJG) (Entered: 12/22/2008)
12/22/2008	<u>9</u>	WRIT (COPY) of Habeas Corpus ad Prosequendum issued as to Robert E. Wiliams Jr. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (GJG) (Entered: 12/22/2008)
12/23/2008	<u>10</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant Robert E. Williams, Jr. ACCESS TO THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (GJG) (Entered: 12/23/2008)
12/23/2008	<u>11</u>	TEXT MINUTE ENTRY for initial appearance, arraignment and detention proceedings held 12/23/08 before Magistrate Judge David L. Piester as to defendant Robert E. Williams, Jr. Hearing held in Lincoln. Initial Appearance on Indictment. Appointment of counsel requested. Court appoints Panel Attorney to represent defendant. Defendant acknowledges receipt of a copy of the Indictment. Arraignment on Indictment. Not guilty plea entered on all counts. Counsel to comply with local rules regarding discovery. Detention hearing waived. Government's oral motion for detention is granted. It is ordered that: Court requests Pretrial Services arrange for an evaluation when appropriate. Trial set 2/23/09 before Senior Judge Urbom. Progression order to be issued. Written order for detention forthcoming. Defendant remanded to custody of the U.S. Marshal to be detained pending further order of the court. Appearance for Plaintiff: Matt Molsen. Defendant: Bob Creager, CJA. Courtroom Deputy: Sue Davis. Court Reporter: Digital Recorder. Time Commenced: 3:07 p.m. Time Concluded: 3:19 p.m. Time in Court: 12 Minutes. Interpreter Used: No. (SED) (Entered: 12/24/2008)
12/23/2008	<u>12</u>	 AUDIO FILE (3.0 MB) as to defendant Robert E. Williams, Jr. regarding Initial Appearance, Arraignment and Detention Hearing 11 held on 12/23/08 before Magistrate Judge David L. Piester. (SED) (Entered: 12/24/2008)
12/23/2008	<u>13</u>	ORDER APPOINTING COUNSEL – Robert B. Creager appointed as counsel as to defendant Robert E. Williams, Jr. as ordered by Magistrate Judge David L. Piester. (SED) (Entered: 12/24/2008)
12/23/2008	<u>14</u>	*SEALED* SEALED CJA 23 Financial Affidavit by Robert E. Williams, Jr. (SED) (Entered: 12/24/2008)
12/23/2008	<u>15</u>	ORDER FOR PROGRESSION OF A CRIMINAL CASE – discovery due in accordance with local rules as to defendant Robert E. Williams, Jr. Pretrial motions deadline set for 1/23/09. Jury Trial set for 2/23/2009 at 09:00 AM in Courtroom 4 – Lincoln before Senior Judge Warren K. Urbom as ordered by Magistrate Judge David L. Piester. (SED) (Entered: 12/24/2008)
12/23/2008	<u>16</u>	ORDER of Detention pending trial as to defendant Robert E. Williams, Jr. as ordered by Magistrate Judge David L. Piester. (SED) (Entered: 12/24/2008)
12/24/2008	<u>17</u>	Writ of Habeas Corpus ad Prosequendum returned unexecuted as to Robert E. Williams, Jr. (LKH) (Entered: 12/24/2008)
01/12/2009	<u>18</u>	NOTICE of Compliance with Local Criminal Rule 16.1(a) by Attorney Matthew R. Molsen as to defendant(s) Robert E. Williams, Jr. (Molsen, Matthew) (Entered: 01/12/2009)
02/03/2009	<u>19</u>	*SEALED* SEALED PRETRIAL SERVICES REPORT as to defendant Robert E. Williams, Jr. (Killham, Theresa) (Entered: 02/03/2009)
02/16/2009	<u>20</u>	Unopposed MOTION to Continue Trial by Attorney Robert B. Creager as to defendant(s) Robert E. Williams, Jr. (Attachments: # <u>1</u> Exhibit Declaration of Defendant)(Creager, Robert) (Entered: 02/16/2009)
02/17/2009	<u>21</u>	ORDER granting <u>20</u> Motion to Continue as to Robert E. Williams Jr. Jury trial set for 3/23/2009 at 09:00 AM in Courtroom 4, Federal Building, 100 Centennial Mall North, Lincoln, NE before Senior Judge Warren K. Urbom. Jury election will be held at commencement of trial. The time between February 17, 009 and March 23, 2009 shall

		be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act. Ordered by Magistrate Judge David L. Piester. (GJG) (Entered: 02/17/2009)
03/16/2009	<u>22</u>	ORDER SETTING CHANGE OF PLEA HEARING as to defendant Robert E. Williams, Jr. Change of Plea Hearing set for 4/14/2009 02:00 PM in Courtroom 2, Federal Building, 100 Centennial Mall North, Lincoln, NE before Magistrate Judge David L. Piester. The time between today's date and the anticipated plea of guilty, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act. Defendant shall appear for this hearing. Ordered by Magistrate Judge David L. Piester. (GJG) (Entered: 03/16/2009)
04/01/2009	<u>23</u>	MOTION to Continue <i>Hearing</i> by Attorney Matthew R. Molsen as to defendant(s) Robert E. Williams, Jr. (Molsen, Matthew) (Entered: 04/01/2009)
04/02/2009	24	TEXT ORAL MOTION – Defendant's motion to continue change of plea hearing. (LKH) (Entered: 04/02/2009)
04/02/2009	<u>25</u>	ORDER regarding <u>23</u> Motion to Continue as to defendant Robert E. Williams Jr. (1). IT IS ORDERED: Defendant's motion to continue, filing no. <u>23</u> , is granted and the change of plea hearing is continued from April 14 to April 23, 2009 at 1:30 p.m. before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. The time between today's date and the anticipated plea of guilty, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act. Defendant shall appear at the hearing. Ordered by Magistrate Judge David L. Piester. (LKH) (Entered: 04/02/2009)
04/23/2009	26	TEXT MINUTE ENTRY for change of plea proceeding held 4/23/09 before Magistrate Judge David L. Piester as to defendant Robert E. Williams, Jr. Hearing held in Lincoln. Defendant's oral consent to proceed before Magistrate Judge accepted. Defendant rearraigned on Indictment. Change of Plea Hearing held. Government will request the Court dismiss Counts II & III of Indictment at time of sentencing. Defendant withdraws plea of not guilty as to Counts I & IV of Indictment. Defendant pleads: Guilty as to Counts I & IV of Indictment. Recommended the plea and plea agreement be accepted at or before sentencing. It is ordered: Court finds the plea is knowing, intelligent, and voluntary, and there is a factual basis for it. Court requests defendant correct petition to enter a plea of guilty by interlineation. Presentence Investigation and Report requested. Sentencing is scheduled for 7/14/09 at 12:15 p.m. before Senior Judge Urbom. Presentence Investigation Packet handed to Defendant's counsel. Defendant remanded to the custody of the U.S. Marshal. Written Report and Recommendation will be issued. Appearance for Plaintiff: Steve Russell for Matt Molsen. Defendant: Bob Creager, CJA. Courtroom Deputy: Sue Davis. Court Reporter: Digital Recorder. Time Commenced: 9:44 a.m. Time Concluded: 10:04 a.m. Time in Court: 20 Minutes. Interpreter Used: No. (SED) (Entered: 04/23/2009)
04/23/2009	<u>27</u>	🔊 AUDIO FILE (4.9 MB) as to defendant Robert E. Williams, Jr. regarding Plea Hearing 26 held on 04/23/09 at 9:44 a.m. before Magistrate Judge David L. Piester. (SED) (Entered: 04/23/2009)
04/23/2009	<u>28</u>	PETITION to enter plea of guilty as to defendant Robert E. Williams, Jr. (SED) (Entered: 04/23/2009)
04/23/2009	<u>29</u>	PLEA AGREEMENT as to defendant Robert E. Williams, Jr. (SED) (Entered: 04/23/2009)
04/23/2009	<u>30</u>	REPORT, RECOMMENDATION AND ORDER ON PLEA OF GUILTY recommending to Senior Judge Urbom that he accept the guilty plea and any written plea agreement; if any party desires to object to this report and recommendation they shall do so no later than 10 calendar days as to defendant Robert E. Williams, Jr. as ordered by Magistrate Judge David L. Piester. (SED) (Entered: 04/23/2009)
04/23/2009	<u>31</u>	ORDER ON SENTENCING SCHEDULE as to defendant Robert E. Williams, Jr. Sentencing set for 7/14/2009 beginning at 12:15 PM in Courtroom 4, Federal Building, 100 Centennial Mall North, Lincoln, NE before Senior Judge Warren K. Urbom as ordered by Magistrate Judge David L. Piester. (SED) (Entered: 04/23/2009)

04/24/2009	<u>32</u>	MOTION for Preliminary Forfeiture by Attorney Nancy A. Svoboda as to defendant(s) Robert E. Williams, Jr. (Svoboda, Nancy) (Entered: 04/24/2009)
04/24/2009	<u>33</u>	LETTER BY CLERK that a CD was sent to Allan Kuhlman for transcription regarding change of plea proceeding. Transcript ordered by Magistrate Judge David L. Piester as to defendant(s) Robert E. Williams, Jr. THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E-GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (SLP) (Entered: 04/24/2009)
04/27/2009	<u>34</u>	ORDER regarding <u>32</u> Motion for Preliminary Forfeiture as to Robert E. Williams Jr. (1). IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows: The United States' Motion <u>32</u> for Issuance of Preliminary Order of Forfeiture is hereby sustained. Based upon Count IV of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the \$4,051.00 in United States currency. The Defendant's interest in said property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C., § 853(n)(1). Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed. Ordered by Senior Judge Warren K. Urbom. (LKH) (Entered: 04/27/2009)
05/22/2009	<u>35</u>	TRANSCRIPT (UNREDACTED) of guilty plea proceedings before Magistrate Judge David L. Piester held on April 23, 2009, as to defendant(s) Robert E. Williams, Jr. Total Number of Billable Pages: 22. Total Number of Pages: 22. The transcript may be viewed at the courts public terminal or purchased through Court Reporter/Transcriber Allan G. Kuhlman at (402) 661-7305 before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Click here to view the Transcript Redaction Procedure . Redaction Request due 6/12/2009. Redacted Transcript Deadline set for 6/22/2009. Release of Transcript Restriction set for 8/20/2009. (AGK,) (Entered: 05/22/2009)
05/28/2009	<u>36</u>	ORDER adopting <u>30</u> Report and Recommendations on Plea of Guilty as to Robert E. Williams Jr. (1). I find after de novo review that the plea of guilty is knowing, intelligent, voluntary, and that there is a factual basis for the plea. The defendant is found guilty. The written plea agreement attached to the Petition to Enter a Plea of Guilty is not yet accepted. Before any sentence is passed, the agreement will be accepted or, if it is not accepted, the defendant will be given an opportunity to withdraw the plea of guilty. If the plea agreement is accepted, the sentence will be consistent with the plea agreement. Ordered by Senior Judge Warren K. Urbom. (EJL) (Entered: 05/28/2009)
06/15/2009		(Court only) ***Terminate Redaction Request and Redacted Transcript Deadlines and Hearings as to defendant Robert E. Williams, Jr. (GJG) (Entered: 06/15/2009)
06/15/2009	<u>37</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT – as to Robert E. Williams, Jr by Attorney Robert B. Creager as to defendant(s) Robert E. Williams, Jr. (Creager, Robert) (Entered: 06/15/2009)
06/24/2009	<u>38</u>	RESPONSE regarding OBJECTION TO PRESENTENCE INVESTIGATION REPORT – as to Robert E. Williams, Jr <u>37</u> by Attorney Matthew R. Molsen as to defendant(s) Robert E. Williams, Jr. (Molsen, Matthew) (Entered: 06/24/2009)
07/01/2009	<u>39</u>	TENTATIVE FINDINGS ON OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT as to defendant(s) Robert E. Williams, Jr. No tentative findings are made now; an evidentiary hearing will be held at the time of the sentencing; the government is expected to complete its evidence within four hours. The defense has not requested time for submission of evidence, but if it wants to do so, it shall file a statement no later than 5 days before the sentencing hearing of the identity of any persons expected to testify, the subject of the testimony generally, the time expected to be used in presenting the testimony, and the nature of any documentation expected to be offered. Ordered by Senior Judge Warren K. Urbom. (EJL) (Entered: 07/01/2009)

07/06/2009	<u>40</u>	NOTICE of Declaration of Publication by Attorney Nancy A. Svoboda as to defendant(s) Robert E. Williams, Jr. (Attachments: # <u>1</u> Advertisement Certification Report)(Svoboda, Nancy) (Entered: 07/06/2009)
07/06/2009	<u>41</u>	MOTION for Final Forfeiture by Attorney Nancy A. Svoboda as to defendant(s) Robert E. Williams, Jr. (Svoboda, Nancy) (Entered: 07/06/2009)
07/14/2009	<u>43</u>	*SEALED* PRESENTENCE INVESTIGATION REPORT as to defendant(s) Robert E. Williams, Jr (Pursley, Ronald) (Entered: 07/14/2009)
07/14/2009	<u>44</u>	*SEALED* SENTENCING RECOMMENDATIONS as to defendant(s) Robert E. Williams, Jr (Pursley, Ronald) (Entered: 07/14/2009)
07/14/2009	<u>45</u>	TEXT MINUTE ENTRY for Sentencing proceedings held in Lincoln, Nebraska on 7/14/2009 before Senior Judge Warren K. Urbom as to defendant Robert E. Williams, Jr. Hearing held on Defendant's Objection to Presentence Investigation Report filing <u>37</u> . Objections overruled and the Criminal History Category of II is not overstated. On plea of guilty to Count I and IV of the Indictment, it is ordered that the defendant is sentenced to the custody of the Bureau of Prisons for a term of 121 months, followed by 5 years of Supervised Release with Special Conditions, and pay the special assessment in the amount of \$100. Defendant shall forfeit \$4,051 in U.S. Currency. Final order of Forfeiture forthcoming. The government requests permission to provide a copy of the presentence report to the State Court and the defendant and the court has no objection to the request. Copy to be provided. Counts II and III of the Indictment are dismissed on the motion of the United States as to this defendant only. Defendant remanded to the custody of the U.S. Marshal. Courtroom Deputy: Gale Gomez. Reporter: Digital Recorder. Appearance for Plaintiff: Matthew R. Molsen; For Defendant: Robert B. Creager, Probation Officer: Craig Ford. Time Start: 12:20 p.m. Time Stop: 12:50 p.m. Interpreter Used: No. (GJG) (Entered: 07/14/2009)
07/14/2009	<u>46</u>	FINAL ORDER OF FORFEITURE – The Plaintiff's Motion for Final Order of Forfeiture, filing <u>41</u> is hereby sustained. All right, title and interest in and to the \$4,051.00 in United States currency is hereby forever barred and foreclosed and is forfeited to the United States of America. The United States Marshal for the district of Nebraska is directed to dispose of said property in accordance with law as to Robert E. Williams Jr. Ordered by Senior Judge Warren K. Urbom. (1 Certified copy to USM)(GJG) (Entered: 07/14/2009)
07/15/2009	<u>47</u>	JUDGMENT as to Robert E. Williams, Jr. Defendant pleaded guilty to Counts I and IV of the Indictment and is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of one hundred twenty-one (121) months; five (5) years of Supervised Release; \$100 Special Assessment. Counts II and III of the Indictment are dismissed on the motion of the United States as to this defendant only. Defendant shall forfeit \$4,051.00 to the United States. Ordered by Senior Judge Warren K. Urbom. (4 Certified copies to USM)(GJG) (Entered: 07/16/2009)
07/15/2009	<u>48</u>	*SEALED* STATEMENT OF REASONS for sentence regarding Judgment, <u>47</u> as to defendant Robert E. Williams, Jr. Ordered by Senior Judge Warren K. Urbom. (Copy to USA and defendants counsel)(GJG) (Entered: 07/16/2009)
07/23/2009	<u>49</u>	NOTICE OF APPEAL regarding Judgment,, <u>47</u> , Order on Objection to Presentence Investigation Report, Sentencing, Plea and Plea Agreement Accepted,,,,,,,,,,,,, <u>45</u> , Telephone Conference, <u>42</u> by Attorney Robert B. Creager as to defendant(s) Robert E. Williams, Jr. by Attorney Robert B. Creager as to defendant(s) Robert E. Williams, Jr. (Creager, Robert) (Entered: 07/23/2009)
07/24/2009		(Court only) ***Remark – Non–Public: Defendant's copy of the Notice of Appeal filing <u>49</u> sent to counsel to be forwarded to the defendant., ***Procedural Interval P7 started as to defendant Robert E. Williams, Jr. (GJG) (Entered: 07/24/2009)
07/24/2009	<u>50</u>	COPY OF IFP MEMO prepared by Deputy Clerk and sent to Senior Judge Warren K. Urbom regarding Notice of Appeal filing <u>49</u> as to defendant Robert E. Williams, Jr. (GJG) (Entered: 07/24/2009)
07/28/2009	<u>51</u>	ORDER permitting the defendant to proceed on appeal in forma pauperis as to defendant Robert E. Williams, Jr. Ordered by Senior Judge Warren K. Urbom. (GJG) (Entered: 07/28/2009)

07/28/2009	<u>52</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Notice of Appeal to USCA, <u>49</u> . Notice of Appeal filed on 7/23/2009 by Defendant Robert E. Williams, Jr. NOTIFICATION TO COUNSEL AND PARTIES – FILE REQUEST FOR TRANSCRIPT WITH THE DISTRICT COURT CLERKS OFFICE. (GJG) (Entered: 07/28/2009)
07/28/2009	<u>53</u>	SCHEDULING LETTER from USCA – 8th Circuit regarding Notice of Appeal to USCA, <u>49</u> as to defendant Robert E. Williams, Jr. Transcript Designation set for 8/12/2009. Clerks Record of Designation set for 8/12/2009. (Attachments: # <u>1</u> Cover Letter)(GJG) (Entered: 07/28/2009)
08/12/2009	<u>54</u>	DESIGNATED CLERK'S RECORD with index sent to USCA – 8th Circuit (09–2776) regarding Notice of Appeal to USCA, <u>49</u> including electronic transcript of change of plea hearing filing <u>35</u> as to defendant Robert E. Williams, Jr. (GJG) (Entered: 08/12/2009)
03/16/2010	<u>55</u>	COPY of Order from USCA – 8th Circuit The court reporter is ordered to prepare the transcript of the sentencing hearing as to defendant Robert E. Williams, Jr. (SED) (Entered: 03/16/2010)
03/18/2010	<u>56</u>	LETTER BY CLERK that a CD was sent to Karen Mason for transcription regarding sentencing proceedings held 7/14/2009. Transcript ordered by the Eighth Circuit U.S. Court of Appeals as to defendant(s) Robert E. Williams, Jr. NOTICE TO COURT–APPOINTED COUNSEL – If you have not done so already, please send a CJA 24 voucher to the appropriate judge for authorization. THE PDF DOCUMENT IS RESTRICTED PURSUANT TO THE E–GOVERNMENT ACT. ACCESS IS LIMITED TO COUNSEL OF RECORD AND THE COURT. (SLP) (Entered: 03/18/2010)
04/16/2010	<u>57</u>	TRANSCRIPT (UNREDACTED) of Sentencing proceedings before Senior Judge Warren K. Urbom held on July 14, 2009 as to defendant Robert E. Williams, Jr. Total Number of Billable Pages: 22. Total Number of Pages: 23. The transcript may be viewed at the courts public terminal or purchased through Transcriber Karen Mason at (402) 397–5419 or karenmason1@cox.net before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Click here to view the Transcript Redaction Procedure . Redaction Request due 5/7/2010. Redacted Transcript Deadline set for 5/17/2010. Release of Transcript Restriction set for 7/15/2010. (Mason, Karen) (Entered: 04/16/2010)
04/27/2010	<u>58</u>	Transmittal Letter regarding Notice of Appeal to USCA <u>49</u> , as to defendant Robert E. Williams, Jr. Transcript <u>57</u> sent. (JAB) (Entered: 04/27/2010)
07/29/2010	<u>59</u>	COPY of Opinion of USCA – 8th Circuit (09–2776) regarding Notice of Appeal to USCA <u>49</u> as to defendant Robert E. Williams, Jr. Counsel's motion to withdraw is granted and the judgment of the district court affirmed. (Attachments: # <u>1</u> Transmittal Letter)(JAE) (Entered: 07/29/2010)
07/29/2010	<u>60</u>	COPY of Judgment from USCA – 8th Circuit regarding the Notice of Appeal USCA <u>49</u> as to defendant Robert E. Williams, Jr. It is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court. (JAE) (Entered: 07/29/2010)
08/02/2010	<u>61</u>	COPY of Opinion of USCA – 8th Circuit (09–2776) regarding Notice of Appeal to USCA <u>49</u> affirming the judgment of the district court as to defendant Robert E. Williams, Jr. (Attachments: # <u>1</u> Transmittal Letter) (JSF) (Entered: 08/02/2010)
08/02/2010	<u>62</u>	COPY of Judgment from USCA – 8th Circuit (09–2776) affirming the judgment of the district court as to defendant Robert E. Williams, Jr. (JSF) (Entered: 08/02/2010)
08/19/2010	<u>63</u>	MANDATE from USCA – 8th Circuit (09–2776) in accordance with the judgment of 7/29/10 affirming the decision of the District Court, the formal mandate is hereby issued regarding Notice of Appeal to USCA <u>49</u> as to defendant Robert E. Williams, Jr. (ADB,) (Entered: 08/19/2010)

09/23/2014		(Court only) ***Case Reassigned to Judge John M. Gerrard and Magistrate Judge Cheryl R. Zwart. Magistrate Judge David L. Piester and Senior Judge Warren K. Urbom no longer assigned to the case/retired. (NMW) (Entered: 09/23/2014)
09/23/2014	<u>64</u>	MOTION for Copies as to defendant Robert E. Williams, Jr. (ADB) (Entered: 09/23/2014)
09/24/2014		(Court only) ***Motions No Longer Referred MOTION for Copies <u>64</u> as to defendant(s) Robert E. Williams, Jr (Zwart, Cheryl) (Entered: 09/24/2014)

WILLIAMS, Jr., Robert E.

PART A. THE OFFENSE

Charge(s) and Conviction(s)

Indictment:

1. On December 17, 2008, a four count Indictment was filed in the District of Nebraska. Count I alleged that between on or about February, 2006 and November, 2008, in the District of Nebraska, Robert E. Williams, Jr., the defendant, knowingly and intentionally conspired with other persons, known and unknown to the Grand Jury, to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1). In violation of 21 U.S.C. 846.
2. Count II charged that on or about June 19, 2008, in the District of Nebraska, Robert E. Williams, Jr., the defendant, did knowingly and intentionally distribute methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(C). In violation of 21 U.S.C. 846.
3. Count III alleged that on or about July 6, 2007, in the District of Nebraska, Robert E. Williams, Jr., the defendant, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance. In violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(C).
4. Count IV charged that on or about July 6, 2007, in the District of Nebraska, Robert E. Williams, Jr., the defendant, used or intended to use \$4,051 in United States currency to commit and/or facilitate said controlled substance violation; alternately, said currency is proceeds obtained directly and/or indirectly as a result of the commission of said controlled substance violation. By virtue of the commission of the offenses set forth in Count I, any and all interest Robert E. Williams, Jr. has in the above described property is vested in the United States and forfeited to the same. In violation of 21 U.S.C. 853.
5. On December 18, 2008 a sealed federal arrest warrant was issued for the defendant. The warrant was executed on that same day.
6. On December 23, 2008 the defendant appeared before United States Magistrate Judge David L. Piester and entered a plea of not guilty to all counts of the Indictment. The defendant was remanded to the custody of the United States Marshal.

